

the Senate on Wednesday, March 22, 2017, at 10 a.m. to conduct a hearing titled "Perspectives from the DHS Frontline: Evaluating Staffing Resources and Requirements."

#### COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate, on March 22, 2017, at 9:30 a.m., in room SH-216 of the Hart Senate Office Building, to continue a hearing entitled "The Nomination of the Honorable Neil M. Gorsuch."

#### COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, March 22, 2017, at 10 a.m., in room SD-G50 of the Dirksen Senate Office Building.

#### SUBCOMMITTEE ON AIRLAND

The Subcommittee on Airland of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, March 22, 2017, at 3:30 p.m.

#### SUBCOMMITTEE ON OCEAN, ATMOSPHERE, FISHERIES, AND COAST GUARD

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Wednesday, March 22, 2017, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

#### PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Brandy Boyce, be granted privileges of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. Mr. President, I ask unanimous consent that Dr. Laura Willing, a health fellow in my office, be granted floor privileges for the remainder of the year.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask unanimous consent that a detailee, Randolph Clark, and a fellow, Stacey Stern Albert, who have worked on this issue for the Commerce Committee, be granted floor privileges for the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted on March 21, 2017:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 19. A bill to provide opportunities for broadband investment, and for other purposes (Rept. No. 115-4).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 89. A bill to amend title 46, United States Code, to exempt old vessels that only operate within inland waterways from the fire-retardant materials requirement if the

owners of such vessels make annual structural alterations to at least 10 percent of the areas of the vessels that are not constructed of fire-retardant materials and for other purposes (Rept. No. 115-5).

S. 96. A bill to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications (Rept. No. 115-6).

By Mr. HOEVEN, from the Committee on Indian Affairs, without amendment:

S. 140. A bill to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund (Rept. No. 115-7).

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy: the Honorable KIRSTEN E. GILLIBRAND of New York (Committee on Armed Services) and the Honorable CHRISTOPHER MURPHY of Connecticut (Committee on Appropriations).

The Chair, on behalf of the Vice President, pursuant to Section 1295b(h) of title 46 App., United States Code, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: the Honorable GARY C. PETERS of Michigan (At Large) and the Honorable BRIAN SCHATZ of Hawaii (Committee on Commerce, Science and Transportation).

The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101-595, and further amended by Public Law 113-281, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: the Honorable MARIA CANTWELL of Washington (Committee on Commerce, Science and Transportation) and the Honorable RICHARD BLUMENTHAL of Connecticut (At Large).

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: the Honorable JEANNE SHAHEEN of New Hampshire (Committee on Appropriations) and the Honorable BENJAMIN CARDIN of Maryland (At Large).

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: the Honorable TOM UDALL of New Mexico (Committee on Appropriations) and the Honorable MAZIE HIRONO of Hawaii (Committee on Armed Services).

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE FEDERAL COMMUNICATIONS COMMISSION—Continued

#### ORDER FOR ADJOURNMENT

Mr. THUNE. Mr. President, if there is no further business to come before the

Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators SCHATZ and MARKEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. SCHATZ. Thank you, Mr. President.

It is really a simple proposition and it is a scary one. As soon as this legislation is enacted, internet service providers can collect your browsing data and sell it without your permission. Right now there is a lot of conversation about who has jurisdiction, the FTC or the FCC, and who is more appropriate to govern internet privacy, whether this should be public sector or private sector, but the basic question is this for the pending legislation, Should ISPs, your internet service provider, be allowed to collect your browsing data without your permission and sell it? I think the answer for 98 percent of the public is a resounding no.

Right now there is a single Federal agency that has the authority to protect consumers and their privacy when it comes to data collected by ISPs, and that is the FCC, the Federal Communications Commission, but the Republicans are proposing that the Congress strip the FCC's ability to protect your privacy, and when they succeed, the American people will lose the very few Federal protections they have when it comes to online privacy.

Think about how much of your life is on line today—banking, health, your interactions with your kids, your kids' interactions with other kids. It is incredibly personal, and it is not just confidential information in a traditional sense or in a legal sense, it is really a complete picture of everything you are. That is why this is worth fighting about. It is worth protecting. That is why the FCC made these rules—to recognize that we live so much of our lives online and that in a lot of instances we don't really feel like we have a choice about whether we are going to engage in a contract to get broadband service. That is a necessity for many of us. Consumers deserve some basic protections, not only do the Republicans want to get rid of the FCC rule that basically says an ISP cannot collect your data and sell it for commercial purposes, but they want to do it in a way that will ensure that no Federal agency, not a single one, will have jurisdiction over privacy for consumers using broadband. They are trying to take the referee off the playing field and for good.

The problem is very simple. There are actually two agencies that could have jurisdiction over privacy online, but there was a Ninth Circuit Court decision that made a ruling that removes the jurisdiction of the Federal Trade Commission over online privacy in the broadband space. So of the two agencies, the FTC and FCC, the FTC, according to this Federal court, no longer has jurisdiction. Now it is on the FCC's

side of the house, but if we repeal the FCC rule, the way the Congressional Review Act runs is that it will prevent us from ever addressing something “substantially similar” again. This isn’t about agreeing or disagreeing with this rule. This isn’t about whether you think the FCC or FTC ought to appropriately deal with this. This isn’t a question about whether you think we should exercise our prerogatives in the public or private sectors. This is about whether you think nobody should have jurisdiction over your privacy online.

So what is the solution here?

Well, we should work with private sector leaders, the FCC, and the FTC to find a comprehensive approach to privacy online. That is what this legislative body should be doing. Instead of aggressively digging into this issue on behalf of consumers, we are actually blowing up the only thing we have, which is this FCC rule. To repeat, by using the Congressional Review Act, Republicans are forever preventing the FCC from protecting your privacy if you use broadband.

I want to end by noting that 55 years ago this month, President Kennedy gave a seminal speech about consumer rights. He spoke about the march of technology, how it had outpaced old laws and regulations, and how fast that progress had occurred. He noted that in just a few decades supermarkets went from carrying 1,500 products to more than 6,000, doctors wrote 90 percent of their prescriptions for drugs that no one had even heard of 20 years before, but let’s fast forward to the present day, and we have blown those numbers out of the water. The average supermarket carries 40,000 products; in 2015 alone, the FDA approved 51 new drugs; and of course we now have the internet, which in the United States grew from 148 million users to nearly 240 million in just 15 years. The next non-incremental change in technology in our lives will be the internet of things, in which we will have tens of billions of devices connected to each other and interacting with us whether we like it or not. So the march of technology goes on, but what stays the same is the bedrock principle that President Kennedy outlined; that consumers have the right to be safe, they have the right to be informed, they have the right to choose, and they have the right to be heard. Those rights are in jeopardy. The FCC took a small but important step, and now the Republicans are blowing that up.

Let me be clear. This is the single biggest step backward for online privacy in many years, and we have failed the American people when it comes to their privacy. We should be staring this problem in the face, but what we are doing tonight and tomorrow is making it worse. That is why I will vote no, and I will urge my colleagues to vote no on this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Thank you, Mr. President.

We have a historic debate going on here in Congress. Yes, there is a lot of discussion about the Russians cracking into our elections using electronic technologies. We have a President of the United States who is contending that his predecessor in the White House wiretapped his apartment in the Trump Tower. We have stories about the compromise of websites all across America—this company, that company, millions of healthcare records, people’s privacy compromised, front page, above the fold. This is huge. What is going on in our country when this new technology allows for such an invasion into the privacy of the President of the United States, of citizens all across our country?

These hearings are going on right now in rooms all across Capitol Hill. Everyone is concerned. Everyone is cross-examining witnesses, saying: How can this happen in our country? And then they are told: Oh, it is this new electronic technology which is out there. It allows for the ability to be able to crack into the privacy of Presidents and ordinary citizens. It makes it possible to make television sets that are purchased and then can be turned, from a remote distance, into a monitoring device just looking at you in your living room. How can this happen? What are the rules? Is there going to be any protection for the American people? So night after night, story after story, look at the compromise of the privacy, the security in our country, but out here on the Senate floor tonight we have the Republican response. The Republicans are saying to the American consuming public: You have no privacy. If you are at home, if you have Comcast or Verizon, if you have AT&T, and they are gathering all this information about you as your broadband provider, every site you go to, everything you are doing, everything your children are doing, what they are saying as of tonight, no privacy, no privacy if you have bandwidth. Everything is out there to be captured by these big broadband barons, and then they can sell it. They can sell it.

What is the Republicans’ answer?

They say: Well, the internet thrives because of a light touch—a light touch. No, ladies and gentlemen, that is not what created what we have here today. We had to pass new regulations in 1996. I know, I was there. I was the Democrat on the committee in the House. There was no broadband—not one home in America had broadband in 1996. Can I say that again? Not one home in America in 1996 had broadband.

Today, for a 12-year-old, a 50-inch screen plugged into broadband, that is a constitutional right. It didn’t exist in 1996 anywhere. Was it because it hadn’t been invented, that people hadn’t thought through broadband, they hadn’t thought through what was possible? No. It was because these compa-

nies decided, because they were pretty much all monopolies, that they weren’t going to deploy it. So we had to change the rules in order to unleash this revolution.

Now they are saying: Yes, but a light touch says no privacy protections. That would be bad. People don’t really want privacy protections. That is not how I remember it when I was growing up.

When I was growing up, when the salesman knocked on the front door, you know what my mother would say? Don’t answer the front door. We don’t want the salesman in our living room. That is what my mom said. Now, is it different today? Is everyone saying: Yes, come on in. Come into the kitchen. Come into the living room. Come into the bedroom. Come look at the kids who are sick. Come look at Grandma who is sick. We want you to see our house. We want you to know everything about us, Mr. Salesman.

Now the broadband provider knocks on the front door. The broadband provider says: I want to provide this great new service with a light touch. Let us go into the key rooms into your house—in your living room, in your bedroom—let us put in this broadband technology, but we are also going to gather all this information about every member of your family—your mother, your father, your children—and we are just going to gather it all, and then we are going to sell it to anybody we feel like selling it to.

Let me ask you this. Have the values of the American people changed in one generation or are they the same? Do people want total strangers to know everything about you, and you have no right to say no? None? Because that is what this debate is about tonight, ladies and gentlemen. It is all about whether the Republicans are going to take away the rights of people to protect their children, to protect their families from having all of this information which the broadband providers encourage people to put online to be then sold as a product. Did you go to a healthcare website to find out something about a disease a child in your family has? Well, that is now a product to be sold. There are plenty of insurance companies that would love to know all the people who have gone to that website to find out about that disease. Do you really want that? That is what this debate is all about. How much privacy are people entitled to in this country?

Are we going to give it to the broadband companies to determine that? That is what we are voting for tonight. They are saying: We need harmonization, meaning we need a standard which is voluntary—voluntary. The broadband companies decide what the level of privacy is. You subscribe to that company. You now have that level of privacy protection. What does that mean? That means if they don’t want to provide any privacy protection, that is the standard. They are saying: Well,

that law could then be enforced because they promised you no privacy. Now, if they violate that policy in any way, we could go after them. That really is what the Republican Party thinks about the private, most intimate information that ordinary families put online because there is only one company that knows everything, and that is the broadband provider, that is Verizon, Comcast, AT&T. Every other one of the thousands of websites, they know what is on their websites. They don't know what is on the other websites. Only one company, your broadband provider, knows everything—has all of your information. Now what is the standard? What is the standard? The Republicans say: No standard. Don't worry about it.

Yes, the Federal Communications Commission put a new rule on the books. Yes, the Federal Communications Commission says that if they want to gather this information about your children, they have to get your permission in order to sell that information to somebody else. That is the rule right now. They gather information about your children. They have it. If they want to sell it, they have to get your permission. You have to check a box. Yes, take all of the information on my child's computer, and sell it. Sell it to people out there who want to know about my child.

That is the rule today. What they will say, as we vote tomorrow at noon-time, is no more permission from the parents—none, zero, zilch.

You are on your own, kids.

Sorry, parents. The Republican Senate decided you don't keep those protections. Why? Because it is a light touch. People really do not care about privacy in the modern era. It is kind of like—privacy? Get over it. You don't have any. Get over it. Get over it, say the Republicans. You don't have any privacy.

Now we are going to hear them shedding crocodile tears about all of the electronic hacking that goes on in the United States. But do you know that all of that combined is not even a thimble compared to the compromise of the privacy of 320 million Americans that is going to be possible after this rule is repealed tomorrow? It is the rule that gives American families the right to say: No, I don't want you gathering that information about my children. No, I don't want you to sell information about my children. That is gone. That is the vote the Republicans will cast tomorrow. The die is cast. They are all going to do it.

It is unbelievable to me that, in one generation, we have gone from people not letting the salesman into the living room to allowing one company to come in and gather every bit of information about every member of the family who is online all day long. It is amazing to me.

Do you want to know what I believe? I believe I have the same values that my grandmother had. I believe I have the same values as my mother had. I

don't want anyone coming into my living room. My mother didn't want anyone coming into the living room. My grandmother didn't want anyone coming into the living room, and I am sure my great-grandmother in Ireland didn't want anyone coming into the living room to whom they did not give permission to come into the living room, especially when the kids were at home, but that is not the Republican view. The Republican view is: Oh, the big broadband barons don't like it? That is great. That is fine.

What is next? Think about it. They can get the information about when all of your family members are online, where they went, who they were talking to, who they emailed. All of it is available to the broadband company. It is just a product to be sold to the highest bidder.

Who wants this information out there? You can make billions of dollars by selling this information to other companies that would love to data mine your family so that they can profile your kids, profile grandma—profile anybody in your family—just so they can start to send in information and try to sell you stuff.

Do we really want people to be able to sell this as a product? The privacy of America is for sale. Is that what we have reached—that we are monetizing privacy?

We are saying: Hey, we are just getting in the way of the entrepreneurial spirit of America. Do you know what? For our whole history, we have gotten in the way of the entrepreneurial spirit of America. The salesman knocks on the door, and you tell the salesman: Go away. You are not getting into our living room, Mr. Entrepreneur. We don't want you in our living room.

So there are two sides to this. Yes, you want the entrepreneurial spirit to thrive, but, simultaneously, you should have a right to say: No, Mr. Entrepreneur. I don't want your product. I don't want you in my living room. I don't want you to have access to all of the information of my children. Sorry, Mr. Entrepreneur. I am sure you could have made a fortune, but the fortune comes at too high of a price.

Ultimately, the founding principles of our society are that, yes, we are capitalists, but we are capitalists with a conscience. We understand that there should be limits to how far you can go in making a buck. There should be a limitation.

What the Grand Old Party wants to do is to roll back the broadband privacy rules that give you an ability, if you want, to say yes. You can just click and say yes to all of these companies. Take all of my information. Take all of grandma's information. Take all of the kids' information. You can just check that and say yes. That is in the law. Do you want to give up all of your privacy? Push "yes." Yet, under the existing law, you can also push "no." I don't want to give up my privacy. It should be the consumer's choice. It

shouldn't be Big Congress's and Big Government's.

Big Government is now deciding you have no privacy. The government is moving in. Replacing Big Mother and Big Father is Big Government. Big Government is siding with Big Business and Big Broadband. That is what is happening here today, and it is leaving behind Big Mother and Big Father, who care about their kids. They are taking away the authority that parents have had since the beginning of time up until now.

The broadband revolution now makes it possible to monetize privacy—to make money, to give entrepreneurs a chance through light touch regulation—which will create more jobs out there. Jobs for whom? Jobs for people who are learning about your kids, jobs for people who are learning about how to make money off of your kids, jobs for people who do not care about your kids. They care only about making a few more bucks.

How hard is this? Which business school do you have to go to to have a 3-by-5 card to figure this out? It is pretty simple, huh?

What is the job of the Senate? The job of the Senate is to ensure that we animate these technologies with human values, that we say to the inventor, to the entrepreneur: Oh, I love that whole idea of an automobile; that is fantastic. But do you know what? Why don't you build in some brakes? We are going to put up speed limits. We are going to have seatbelts. We are not going to allow you just to put it out on the road and just endanger the public or the passengers. We are going to have some rules.

It is great. Yes, invent that new medicine, but we are also going to say to you: Hey, do you know what? We are going to have a child's safety cap on top of that medicine so a kid cannot get access to it.

We balance it. We animate each new technology with the values that our parents had and that our grandparents brought from the old country. It does not change. It is always the same. The polling is 80 percent—Democrat, Republican, Independent, every ethnic group, every income group.

Do you know who does not like the rules? Entrepreneurs—entrepreneurs who want to monetize your privacy.

But it is always going to be at 80 percent, because what is, really, the differentiating issue? Why would a Republican mother want her kids to have their privacy compromised? You know that she does not. You know she does not. She doesn't even know that this debate is going on. She doesn't even know that, after they repeal this rule, it will be the Wild West.

So there are real rules. Again, it is the most important set of rules because it is the broadband provider. They get every bit of information. This is not just: Oh, I subscribed to this newspaper, and I am reading this newspaper. Oh, I am at Google. Oh, I am

over here at ESPN sports. Oh, oh, oh. There are hundreds of thousands of websites, and that website knows only about what you did on that website. No, that is not what the broadband company knows. They know everything. They know everywhere you went. That is why they want this repealed. Just think of how valuable that is. Just think of how much money they can make by selling all of that information about you and your family.

That is what we are debating tonight. We are debating a fundamental change in our country. Is it a heavy touch as opposed to a light touch to say that people's privacy—that the security of their families—should be protected? Then let's just shut down these hearings we are having and all of the crocodile tears being shed about what is happening in our society.

How can all of this happen?

We go into top secret briefings. We get told: Oh, they tapped into this. They cracked into that. People—Senators—sit there, and they “tsk, tsk” as to how terrible it is. Then, simultaneously, up here on the Senate floor, they say: Oh, by the way, we are just going to take away the right of a mother and father to say, “No, you cannot crack into the information that our family is putting online.” Oh, sure. You don't want to get into the way of an entrepreneur who can figure out how to make money off of that. Why would we care about that?

The absurdity of it all—the total absurdity of it all—is that all of these people who are “entrepreneurs” can get fabulously rich without compromising children's privacy, grandma's privacy.

For somebody in the family who has a disease and just wants to go to that website and find out about that disease all by himself and who does not want anybody else in the family to know, why can't he do that without wondering whether everyone else who went that website is now going to have that information sold? The phone company or the cable company will say: Oh, great. Let's go find the insurance company that is in this region that would want to know that that person might have that disease. You might not want to give him insurance, especially after the Affordable Care Act is repealed by the Republicans.

Who cares about that, right? You have no privacy. Get over it, say the Republicans. Get over it.

Just think if we applied that to phone calls. What if people said the phone company should be able to sell the number of the person and the name of the person whom you called? How would you feel about that? Would you like that to be a product? You called this person at this time for a half an hour. Then you called that person back again another half an hour later. Then you called him again at night. Would you like people to know that—just as a product—and get the name, the number, the time, and how long the call lasted? We have laws against that.

Would you like people to know which channels you are switching to? Say you have a satellite dish and are switching from channel to channel, and at 11 o'clock at night, you are just going to stop on this channel. They know which channel you stopped on.

I passed a law back in 1999 that prohibits that information of which channel you stop on from ever being made public. You cannot sell that information. I am proud of that. Whose business is that? But it is there. They have it. They have that information.

Now we have reached a broadband revolution. Oh, isn't this great? Isn't this a fantastic revolution? Didn't it occur because there was a light touch? No, there was not a light touch. You see, we deregulated the telephone industry and the cable industry so that we could have the broadband revolution beginning in 1996.

But here is the paradox of deregulation. The paradox of deregulation is that you need more regulations in order to make sure that the competing companies can gain access to the capital markets to raise the money so as to finally put pressure on the telephone and cable companies to deploy broadband. That is the paradox of deregulation. You need more, so you open it up to more competitors who then wind up forcing these companies to finally deploy broadband even though they had it decades beforehand. Interesting, isn't it? It is the paradox of deregulation. You need more.

Even as we did that, we knew that we were going to need privacy laws because this aggregation of information is something that goes right to the heart of this kind of tension that exists in a capitalist society.

Some people say: No rules. You are interfering with my ability to make money.

That is what the car company said about airbags, and that is what the car company said about seatbelts: Do not mandate to have us put it in as it is going to undermine our product.

But, over time, mothers and fathers finally said: No, no, no. You cannot do that. I don't want the kids in the front seat with no seatbelts. I don't want people in our family in the backseat with no seatbelts.

The same thing is true with safety device after safety device. So privacy plays that role when we are talking about information.

Now, if the first step is broadband, no privacy, then, logically, they should support the whole idea that if you are on your iPhone and you have called 50 people today, it is a product. So all of those people you called should be information the telephone company can sell. What would the argument be from the other side? The other side would say, that is a light touch. That is a light touch. It is going to make it possible for the phone company to make more money. And believe me, they would make a lot of money if they could sell the information about who every American called all day long.

Well, they don't want to touch that because phones are still kind of sensitive. They don't want to go there. But broadband, that is different. Websites, that is different. For some reason, that is different because what you are doing on the website, what you are doing with your email in the modern era is what you do on your phone every day, right? It is what you do on your phone. So the goal has to be that we have the accountability for the Republicans as we do this, this evening.

President Trump is constantly railing about the fake violations of his privacy—totally fake violations of his privacy. You would think that a crime had been committed, but there wasn't. It never happened. But the way he yells about it, it is almost un-American for anyone to compromise the privacy of him or anybody else. But these are going to be very real compromises of the privacy of ordinary people in our country.

So I am just going to give to my colleagues the little Constitution that is now on the books to provide protections for all Americans. It is very simple. It requires the broadband company to, No. 1, get consumer consent before using or sharing subscribers' personal information—get your consent—No. 2, promote transparency by saying to the broadband company that they have to tell each consumer that they are actually collecting this information about them. They have to constantly be telling you that. No. 3 is to ensure that the broadband companies adopt data security protections and notify consumers if a breach occurs; that is, if all of this information is now wide open for God knows who—some hacker who has gained information—they have to put in the toughest possible security. Then, if it does get compromised, they have to tell the consumers immediately. They can't delay a month because it might be bad PR, 2 months because they are afraid it is going to affect their bottom line. They have to let people know that their personal information has been compromised.

So that is it. That is what is bugging them. That is what is bugging the Republicans. They want to make sure you don't keep these protections.

So what does that mean? Well, after we vote tomorrow, after the Republicans take these rules, these protections off the books, after the internet service providers, or the ISPs, get what they want, ISP will no longer stand for “internet service provider.” It is going to stand for “information sold for profit.” It is going to stand for “invading subscriber privacy.” That is what ISP will stand for after tomorrow at noon-time, high noon—the end of privacy online, except for a light touch where it is voluntary. And we know these broadband companies are definitely voluntarily going to give the highest possible protections to American families. We know that. Because if they wanted the highest possible protections, they have them right now. They

want them off the books so they don't have to do anything. It will be voluntary.

So these broadband behemoths want to take control away from the subscribers and relentlessly collect and sell your sensitive information without permission. It could be about your health, about your finances, about your children. It can track your location, draw a map of where you shop, where you work, where you eat, where your children go to school, and then sell that information to data brokers.

That is going to be an incredibly profitable industry that the Republicans are opening up this week. Right now, they are drafting up their business plans, just a 3-by-5 card all across the country. They have already basically decided that the Republicans are going to have these votes; so let's get on with these new rules.

The broadband industry says that they are an unnecessary burden, but, in fact, this whole area is one that actually goes to the heart of who we are as Americans. I think that whether you are a very conservative person or a very liberal person, there should be a small core number of American values that brings us together, and I would put privacy in that group. We can fight over the Affordable Care Act. We can fight over how many new nuclear weapons we need. We can fight over gay marriage. We can fight over many, many issues—some of them religious, some of them just strategic in terms of what is best for our country moving forward—but how can we fight over your family's privacy? I don't understand the ideological differentiation that is artificially being created by the broadband companies' insisting that the Republicans repeal those privacy laws because all of this is now going to be done without your consent, without your permission.

If they wanted to document now how many times you search online for heart disease, breast cancer, opioid addiction treatments, and then sell that information to an insurance company, they are going to be able to do that. You are giving them permission just by subscribing. And you know what they say: Oh, the marketplace will work; you can just go to the other broadband providers in town. Oh, there is no other broadband provider in town? You are in rural America? Oh, sorry, you have to use our company. Oh, there are no rules if you want to use our company—no rules.

They will say: Well, let the marketplace sort it out. What marketplace? Maximum, in most places, there are two companies you can have broadband service from, and they are both going to say privacy protection is voluntary. So there is no privacy. It is all going to happen without your consent, and they will just say: Oh, it is just so we can harmonize the rules. Yes, they are going to harmonize the rules. They are going to harmonize them so it is very efficient. You have the same non-

existent voluntary guidelines that the broadband companies are going to put on the books.

So you should want to choose, yourself, what information Verizon—if it discloses information about your family—gets to disclose. You should decide that, not Verizon. You should decide that. What they really want is to allow AT&T to choose whether it protects consumers' sensitive information from breaches and unauthorized use, and guess what the broadband barons' choice is going to be? They are going to choose to pocket their profits and throw your privacy out the door.

Republicans want to sideline the Federal Communications Commission—our broadband privacy cop on the beat—and create an unregulated Wild West where internet providers can do whatever they want with your private information. They want to allow broadband companies to write their own privacy rules. That is like asking a burglar to program your security system. It makes no sense. Oh, come on in, Mr. Burglar, program my security system, and then you can do whatever you want in my living room when I am gone on vacation this weekend. Just take anything you want—any of my private information, any of my private furniture, anything you like in the house.

So we know the broadband industry—your wireless, your cable, your telecommunications provider. They can't self-regulate themselves. These same companies struggle to show up on time to install or to fix your service. You might have to wait all day to have the cable guy come and fix your cable system. They give you a range that goes like this: Well, we will be there between 9 in the morning and 5 in the afternoon; right? And now they are saying: You can trust us. We are going to protect your privacy. You know we are the cable company. You know we are the broadband company. You can trust us.

Do we really trust the broadband industry to determine what privacy protections they give to their customers? Strong broadband privacy rules mean that we don't have to do anything. That is their definition. Let's be clear. The big broadband barons want to monetize this. The subscribers have already given them money. It costs a lot of money to subscribe to broadband service so the kids can have a 50-inch screen that is plugged in to be able to see all of these things that are on the incredible multidimensional, multifunctional screens. We are already paying a fortune for it. But they say that is not enough. That is not enough. We need, say the broadband companies, to ensure that we can also make more money, and then taking all that information by invading your privacy and selling it. Broadband providers want to do more than simply provide Americans access to the internet. They want to sell that privacy information to the highest bidder.

This brings us to the great divide between ISPs and those who wish to protect the free and the open internet. The 21st century broadband internet is not a luxury. It is an essential telecommunications service, just like telephone service. Just as telephone companies cannot sell information about Americans' phone calls, an internet service provider should not be allowed to sell sensitive consumer information without affirmative consent of that family.

In fact, by putting the broadband privacy rules on the books, the FCC did harmonize privacy protections. They harmonized broadband privacy protections with the privacy framework that has prevented telephone companies from mining and selling information about our phone conversations for decades. Yes, that is what they did at the FCC. They said: the same protections for broadband information as we have for phone company information when you are dialing the numbers of people all day long. That is how they harmonized it. They said that in the 21st century, broadband is the essential service that the phone was in the 20th century, and the information on both should be given the same level of protection. That is harmonization. That is a reflection of the revolution that took place in telecommunications in the 1996 Telecommunications Act. That is what they are trying to take off the books—the harmonization of the standards that go back to grandma and grandpa. They made sure in 1934, when the Communications Act was written, that those protections were there. But, somehow or other, in 2017, it is no longer important that people don't know whom you called, that people don't know whom you are online interacting with.

So why did they do it? Well, they did it because broadband and telephone services are essential telecommunications services that Americans rely upon to thrive in the modern economy. The Federal Communications Commission, last year, under Barack Obama, just made sure that you got the same privacy protections. Broadband and telephone companies should not be allowed to exploit their privileged positions as telecom gatekeepers to use, to share, to sell sensitive information about Americans' online activities or phone calls. Yet, here we are, chipping away fundamental broadband privacy protections from the American public.

Now, all of this begs the question: What other privacy protections are the Republicans now going to put on the chopping block? Do they now oppose the FCC's rules preventing telephone companies from collecting, using, and selling sensitive information about Americans' phone calls? They certainly oppose the FCC's rules for preventing broadband companies from partaking in similar interests and practices.

Now, the broadband industry will tell us that these rules are unfair because they are different from the privacy

rules for websites—Google, Facebook. Why should there be different rules? Well, every person out there knows what the difference between Google and the broadband provider is. Google is one app; it is not thousands of apps. So the whole argument is fallacious from the get-go. When you use Google, you understand what your relationship is with Google. When you use ESPN.com, you know what the relationship is with ESPN.com. But when you are using every service, now you are talking about the broadband companies. They are the only ones that know everything about you, what you are doing online, all day long, every single day. That is under the jurisdiction of the Federal Communications Commission, following along their supervision of the telephone industry, which they have had rules on the books to ensure that information can't be sold without your permission.

Why is this so important? It is important because in the 21st century, having broadband service is like having oxygen in your lungs. Everyone uses it. Everyone is using it all day long. Everyone's information is in the hands of these companies. People might as well stop breathing as to disconnect from their broadband provider. That is why we need strong rules—not self-regulation—to prevent the internet service providers from mining and selling our data without consent.

This is, for me, a historic fight to defend America's fundamental right to privacy. The broadband industry will say that if we don't take these rules off the books, subscribers will be confused. There will be one set of standards for the individual website and another set of standards for the entire broadband internet service provider industry. Frankly, consumers are only more confused about why we aren't doing more to tackle these important privacy issues. Consumers are confused about why we are spending time on the Senate floor taking away privacy protections. Consumers are confused about why we would allow broadband companies to sell their sensitive information

to banks, to insurance companies, to advertisers, to anyone else willing to pay top dollar for your personal information without your consent. They are confused about why we would rescind the rules ensuring broadband providers adhere to the best data security practices protecting subscribers' sensitive information from breaches and unauthorized use, when we know there are unauthorized hacks every single day. We are in a historic fight to defend America's fundamental right to privacy online, a fight to allow consumers, innovators, entrepreneurs, the millions of Americans all across this country who rely upon the internet to control their own information.

Instead of protecting our healthcare, instead of protecting our environment and protecting our privacy, Republicans want to give it all away to their friends and allies and big corporations. Those corporations don't care about consumer rights. They have one concern, and one concern only, and that is their bottom line. That is making money.

The cornerstone of our country is capitalism with a conscience—with a conscience. Massachusetts' unemployment rate is 3.2 percent. We are proud of that. We are a capitalist State. Massachusetts is proud to have one of the lowest unemployment rates in our country. We believe in capitalism, but we also believe we can have capitalism with a conscience. In this instance, it means the protection of the privacy of people online, from having that family's sacred, secret information compromised for a profit, with no ability—no ability, no right, none—for a family to say no. Take the broadband service or leave it. If you take it, you have no privacy.

The only people in this country who can protect those families are 100 Senators who will be voting tomorrow. I ask the Republican Senators, why would they strip this privacy protection from ordinary families? Why would they deny the right? All I can say is, overnight, all we can really say is we tried. We really tried to protect

the privacy of Americans. That vote tomorrow will represent that show-down moment.

If we lose, please, out of good conscience, Republicans, just stop all this public concern about the compromise, the privacy, the President, the national security apparatus in our country. Believe me, the ordinary American is going to be made far more vulnerable tomorrow than anything any Russian entity is ever going to do. It is going to be what we did to ourselves, what we allowed to happen to our own citizens at the hands of their own United States Senate that is going to be a far greater threat to every ordinary family in our country.

I urge a "no" vote from my fellow colleagues on the Senate floor tomorrow. This goes right to the heart of whether we understand technology, we understand the responsibility we have for the American people, to protect them from the worst aspects of it.

There is a Dickensian quality to the internet: It is the best of technologies, and it is the worst of technologies, simultaneously. This technology can enable. It can ennoble. We want that to be extracted from the internet. But it can also degrade. It can also debase. It is the job of the U.S. Senate to protect the American people from that aspect of the internet. Tomorrow, if the Republicans have their way, they will remove the protections of the privacy of Americans and allow for an expansion of the degrading and the debasing of the privacy that ordinary Americans are entitled to in our country.

I thank the Presiding Officer for giving me the opportunity to be here.

Mr. President, I yield the floor.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:07 p.m., adjourned until Thursday, March 23, 2017, at 9:30 a.m.